

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	
Keith S. Fuller)	Consent Order Imposing Administrative Fine
)	and Reinstating Insurance Adjuster's License
)	
2597 Spencers Trace)	SCDI File Number 1999230-004-025
Marietta, Georgia 30062.)	
_____)	

This matter now comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Keith S. Fuller, an individual who was formerly licensed as a non-resident insurance adjuster.

On October 7, 1999, I issued a Default Order revoking Fuller's license to transact business as an insurance adjuster within the State of South Carolina. In summary, the Default Order found as ultimate fact that Fuller failed to notify the Department of a change of his residential address in violation of S.C. Code Ann. § 38-47-15 (Supp. 1998). That Code section specifically requires insurance adjusters to notify the Department within 30 days of any change in their [business or residential] addresses. Section 38-47-70 grants the Director of Insurance the power to revoke an adjuster's license when he determines "after investigation that there has been a violation of this title by an adjuster." Fuller was notified of his statutory right to request a public hearing on this matter, but he did not take exercise that opportunity, and he was held in default.

By letter dated October 27, 1999, Fuller notified the Department that he wanted to have his South Carolina adjuster's license reinstated. Fuller and the Department agreed, rather than proceeding forward towards an administrative hearing, to submit the matter to me, along with their specific recommendation, for my summary decision based solely upon the record thus far. Their recommendation was that Fuller would pay an administrative fine in the amount of \$500 and that his non-resident insurance adjuster's license would be reinstated upon submission of a new application with the proper supporting documentation, including the \$160 adjuster license reinstatement fee.

In the interest of amicably resolving this matter, I hereby invoke the discretionary authority given to me and impose against Fuller an administrative fine in the total amount of \$500. *See* S.C. Code Ann. § 38-2-10 (Supp. 1998). That fine must be paid within ten days of the date of my signature upon this consent order.


KSF Keith S. Fuller

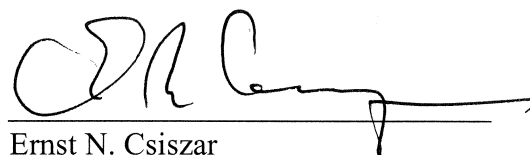
This administrative penalty has been reached by the parties in light of this being Fuller's first violation of the state's insurance laws and in consideration of Fuller's assurance that in the future he will comply with the state's insurance laws, particularly that of timely notifying the Department of any changes in his business or personal addresses.

By his signature upon this Consent Order, Fuller acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1998). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Fuller shall, within ten days of the date of my signature on this Consent Order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$500, that the Department will allowed fuller to submit a new insurance adjuster application, and that, should the Department find Fuller meets the licensing requirements set by South Carolina law, Fuller's ability to do business as a non-resident insurance adjuster within the State of South Carolina will be reinstated.

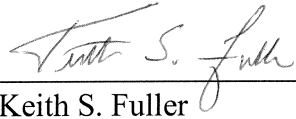
It is further ordered that a copy of this Consent Order Reinstating Insurance Adjuster's License and Imposing Administrative Fine be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states. This Consent Order becomes effective as of the date of my signature below.

 Feb 17, 2000
November 17, 1999
Columbia, South Carolina


Ernst N. Csiszar
Director

KSF Keith S. Fuller

I CONSENT:

A handwritten signature in cursive script, appearing to read "Keith S. Fuller". The signature is written in dark ink and is positioned above a horizontal line.

Keith S. Fuller
2597 Spencers Trace
Marietta, Georgia 30062

Dated this 18th day of November, 1999.

Before the State of South Carolina
Department of Insurance

In the matter of:)	Default Order
)	Revoking Nonresident Adjuster's License
Keith S. Fuller,)	
)	File Number 1999228-004-014
2597 Spencer's Trace Northeast)	
Marietta, Georgia 30062-4445.)	
<hr style="width: 30%; margin-left: 0;"/>)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required by S.C. Code Ann. § 38-3-170 (Supp. 1998), upon Keith S. Fuller, by both certified mail, return receipt requested, and by regular mail.

That letter informed Fuller of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, the letter warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a nonresident insurance adjuster within the State of South Carolina. Despite this warning, as of September 22, 1999, Fuller had neither timely answered nor requested a public hearing. On that day therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a nonresident insurance adjuster within the State of South Carolina, Fuller failed to timely notify the Department of a change in his residential address in violation of S.C. Code Ann. § 38-47-15 (Supp. 1998).

S.C. Code Ann. § 38-47-70 (Supp. 1998) states, in pertinent part, that the Director of Insurance may revoke an adjuster's license when he determines "after investigation that there has been a violation of this title by an adjuster." Section 38-47-15 requires insurance adjusters to "notify the Department within thirty days of any change in [business or residential] addresses."

In accordance with my findings of fact, and considering Fuller's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Fuller has violated S.C. Code Ann. § 38-47-15 (Supp. 1998) and that his adjuster's license should be revoked.

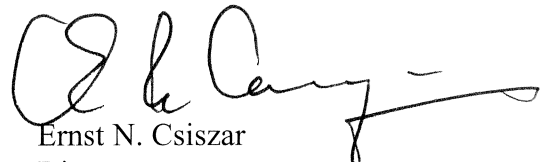
This administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1998). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law

enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Keith S. Fuller to transact business as a nonresident insurance adjuster within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Fuller is currently licensed, through the State of South Carolina Department of Insurance, as a nonresident insurance adjuster within the State of South Carolina.

This order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

October 7, 1999, at
Columbia, South Carolina

In the matter of:)	
)	Affidavit of Default
Keith S. Fuller)	
)	
2597 Spencers Trace Northeast)	File Number 1999238-004-024
Marietta, Georgia 30062.)	
_____)	

Keith S. Fuller was served notice at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department of Insurance would request that his license to act as a nonresident insurance adjuster within the State of South Carolina be summarily revoked by the Director of Insurance for the State of South Carolina. That notice was served, pursuant to Section 38-3-170 of the South Carolina Code by “depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested.”

T. Douglas Concannon
Associate General Counsel



Steven R. DuBois, Notary Public
My Commission Expires: 05/10/09